

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

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Michael E. Wyatt )  
Plaintiff, ) Case No. 7:14-cv-492-NKM-RSB  
v. )  
Johnny Owens, *et al.*, )  
Defendants. )

**PLAINTIFF'S MOTION FOR AWARD OF  
FEES, EXPENSES, AND COSTS**

Plaintiff Michael E. Wyatt (“Wyatt”) respectfully petitions the Court for an award of fees and costs pursuant to 42 U.S.C. § 1988, Rule 54 of the Federal Rules of Civil Procedure, Local Rule 54, and other applicable law. This motion is filed based on Mr. Wyatt’s status as a prevailing party after he successfully sued for damages under the Fourth Amendment and 42 U.S.C. § 1983. On April 20, 2017, a jury returned a verdict in favor of Mr. Wyatt, finding that Defendant Robert Worsham violated his constitutional rights. Specifically, the jury found that Robert Worsham used excessive force against Mr. Wyatt in violation of Mr. Wyatt’s right to be free from unreasonable force, and awarded Mr. Wyatt compensatory and punitive damages.

For the reasons explained in the attached memorandum, Mr. Wyatt respectfully requests award of his attorney’s fees, itemized in Todd Decl. Exhibit 1-B, and costs and expenses de-

scribed in the memorandum, which will be detailed in a supplemental declaration and records that Mr. Wyatt will file separately.<sup>1</sup>

Dated: May 19, 2017

Respectfully submitted,

/s/ Gordon D. Todd  
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<sup>1</sup> Mr. Wyatt reserves the right to seek fees, costs, and expenses related to any post-trial motions, appeal, and fees litigation.

## CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2017 I caused a copy of the foregoing Motion in Support of Motion for Attorneys' Fees, Expenses, and Costs to be served via ECF on the following counsel:

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